

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4359
OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Administrative Leave
3 Reform Act”.

4 SEC. 2. LIMITATION ON ADMINISTRATIVE LEAVE.

5 (a) IN GENERAL.—Subchapter II of chapter 63 of
6 title 5, United States Code, is amended by adding at the
7 end the following:

8 “§ 6330. Limitation on administrative leave

9 “(a) IN GENERAL.—During any calendar year, an
10 employee may not be placed on administrative leave, or
11 any other paid non-duty status without charge to leave,
12 for more than 14 total days for reasons relating to mis-
13 conduct or performance. After an employee has been
14 placed on administrative leave for 14 days, the employing
15 agency shall return the employee to duty status, utilizing
16 telework if available, and assign the employee to duties
17 if such employee is not a threat to safety, the agency mis-
18 sion, or Government property.

1 “(b) EXTENDED ADMINISTRATIVE LEAVE.—

2 “(1) IN GENERAL.—If an agency head deter-
3 mines that an employee is a threat to safety, the
4 agency mission, or Government property and upon
5 the expiration of the 14-day period described in sub-
6 section (a), an agency head may place the employee
7 on extended administrative leave for additional peri-
8 ods of not more than 30 days each.

9 “(2) REPORT.—For any additional period of 30
10 days granted to the employee after the initial 30-day
11 extension, the agency head shall submit to the Com-
12 mittee on Oversight and Government Reform in the
13 House of Representatives, the agency’s authorizing
14 committees of jurisdiction of the House of Rep-
15 resentatives and the Senate, and the Committee on
16 Homeland Security and Governmental Affairs of the
17 Senate a report, not later than 5 business days after
18 granting the additional period, containing—

19 “(A) the name, title, position, office or
20 agency subcomponent, job series, pay grade,
21 and salary of the employee on administrative
22 leave;

23 “(B) a description of the work duties of
24 the employee;

1 “(C) the reason the employee is on admin-
2 istrative leave;

3 “(D) an explanation as to why the em-
4 ployee is a threat to safety, the agency mission,
5 or Government property;

6 “(E) an explanation as to why the em-
7 ployee is not able to telework or be reassigned
8 to another position within the agency;

9 “(F) in the case of a pending related inves-
10 tigation of the employee—

11 “(i) the status of such investigation;

12 and

13 “(ii) the certification described in sub-
14 section (c)(1); and

15 “(G) in the case of a completed related in-
16 vestigation of the employee—

17 “(i) the results of such investigation;

18 and

19 “(ii) the reason that the employee re-
20 mains on administrative leave.

21 “(c) EXTENSION PENDING RELATED INVESTIGA-
22 TION.—

23 “(1) IN GENERAL.—If an employee is under a
24 related investigation by an investigative entity at the
25 time an additional period described under subsection

1 (b)(2) is granted and, in the opinion of the inves-
2 tigative entity, additional time is needed to complete
3 the investigation, such entity shall certify to the ap-
4 plicable agency that such additional time is needed
5 and include in the certification an estimate of the
6 length of such additional time.

7 “(2) LIMITATION.—The head of an agency may
8 not grant an additional period of administrative
9 leave described under subsection (b)(2) to an em-
10 ployee on or after the date that is 30 days after the
11 completion of a related investigation by an investiga-
12 tive entity.

13 “(d) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) INVESTIGATIVE ENTITY.—The term ‘inves-
16 tigative entity’ means an internal investigative unit
17 of the agency granting administrative leave, the Of-
18 fice of Inspector General, the Office of the Attorney
19 General, or the Office of Special Counsel.

20 “(2) RELATED INVESTIGATION.—The term ‘re-
21 lated investigation’ means an investigation that per-
22 tains to the underlying reasons an employee was
23 placed on administrative leave.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall begin to apply 90 days after the date
3 of enactment of this Act.

4 (c) RULES OF CONSTRUCTION.—Nothing in the
5 amendment made by subsection (a) shall be construed
6 to—

7 (1) supersede the provisions of chapter 75 of
8 title 5, United States Code; or

9 (2) limit the number of days that an employee
10 may be placed on administrative leave, or any other
11 paid non-duty status without charge to leave, for
12 reasons unrelated to misconduct or performance.

13 (d) CLERICAL AMENDMENT.—The table of sections
14 for subchapter II of chapter 63 of title 5, United States
15 Code, is amended by adding after the item relating to sec-
16 tion 6329 the following new item:

“6330. Limitation on administrative leave.”.

